

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20757-2022

Date of Decision: 13.09.2022

Ashok Kumar and another

....Petitioners

VS

Commissioner Hisar Division, Hisar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Sunil Kumar Nehra 'Sirsa', Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)

During the course of partition proceedings, the petitioners were proceeded ex-parte as they failed to appear on certain dates. They filed an application for setting aside the ex-parte proceedings but the same was rejected. Subsequently, *sanad* was also issued. A revision petition was filed challenging the partition proceedings and the *sanad* but the same has been dismissed vide the impugned order dated 07.06.2022.

Learned counsel for the petitioner has submitted that the *sanad* is contrary to the mode of partition. According to the mode of partition, possession was to be respected and land on which tubewell had been sunk by a party and construction had been raised was to be given to the said party. In violation of this condition the land on which a tubewell had been sunk by respondent No. 4 has been given to respondent No. 3. Moreover, Section 115-A and Section 118-A of the Punjab Land Revenue Act, 1887 (as applicable to the State of Haryana) have not been complied with. These issues have not been considered by the revisional Court and, thus, the revisional order deserves to be set aside.

Allotment of land on which tubewell had been sunk by respondent No. 4 to respondent No. 3 would give a cause of action, if at all, to respondent No. 4. The petitioner can not raise a grievance against the same and, thus, the argument that *sanad* has been issued contrary to the mode of partition is rejected. Section 115-A of the Act is regarding settlement of disputes by conciliation and Section 118-A provides that in case the partition case is not decided within six months permission must be taken from the Collector. Neither of these provisions are mandatory and, thus, non-compliance therewith would not render the *sanad* illegal.

In view of the above, the writ petition has no merit and is dismissed.

13.09.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No